

PROB 12C
(Rev. 2/13)

UNITED STATES DISTRICT COURT

for

DISTRICT OF NORTH DAKOTA

Petition for Warrant or Summons for Person under Supervision

Name of Person Under Supervision: Nezereth Red Tomahawk Case Number: 0868 1:23CR00086

Name of Sentencing Judicial Officer: Daniel M. Traynor, U.S. District Court Judge

Date of Original Sentence: January 8, 2024

Original Offense: Assault Resulting in Serious Bodily Injury

Original Sentence: 14 months followed by 3 years supervised release

Type of Supervision: TSR

Date Supervision Commenced: 5/24/2024

Asst. U.S. Attorney: Brandi Sasse Russell

Defense Attorney: Erin Bolinger

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the person under supervision has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|---|
| 1. | On May 29, 2024, Mr. Red Tomahawk admitted to drinking a “shot of Fore Loco” alcoholic beverage on or about May 28, 2024, in Bismarck, North Dakota.
This is believed to be in violation of his special condition number (8) which states the Defendant must totally abstain from the use of alcohol and illegal drugs or the possession of a controlled substance, as defined in 21 U.S.C.802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants or psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning. |
| 2. | On July 1, 2024, Mr. Red Tomahawk admitted drinking “1 shot of Jack Daniels” alcoholic beverage and smoking “2 hits” of methamphetamines on or about June 30, 2024, in Bismarck, North Dakota. This is believed to be in violation of his special condition number (8) which states the Defendant must totally abstain from the use of alcohol and illegal drugs or the possession of a controlled substance, as defined in 21 |

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U.S.C.802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants or psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning.

3. **On July 15, 2024, Mr. Red Tomahawk admitted smoking “1 puff” of both marijuana and methamphetamines on or about July 12, 2024, in Mandan, North Dakota.** This is believed to be in violation of his special condition number (8) which states the Defendant must totally abstain from the use of alcohol and illegal drugs or the possession of a controlled substance, as defined in 21 U.S.C.802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants or psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning.
4. **On August 21, 2024, it was confirmed that Mr. Red Tomahawk was at his family’s residence located in Fort Yates, North Dakota for multiple days without permission from the U.S. Probation office.** This is believed to be in violation of his special condition number (3) which states the Defendant is prohibited from entering the Standing Rock Sioux Reservation, without the permission of the supervising probation officer.
5. **Mr. Red Tomahawk has failed to report into the U.S. Probation office since July 15, 2024. At the time of filing this petition his whereabouts are currently unknown.** This is believed to be in violation of his standard condition number (5) which states you must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

U.S. Probation Officer Recommendation: It is respectfully requested that a warrant be issued for Mr. Red Tomahawk and that hearings be held to determine if he has violated the terms and conditions of supervision.

☒ The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 25, 2024

/s/ Cody Duchscherer
U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No Action.
- ☒ The Issuance of a Warrant/Matter Sealed Pending Arrest.
- ☐ The Issuance of a Summons.
- ☐ Other



Signature of Judicial Officer

September 25, 2024

Date